

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1254 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
25/10/2002 in WP NO : 12611 OF 2002 on the file of the High Court.)

Between:

- 1 A.P. Transco, Rep. by its Chief Engineer-cum-Managing Director,Vidyut
Soudha, Hyderabad.
- 2 The Divisional Engineer, OP/Division, NPDC of A.P. Ltd., Adilabad

..... APPELLANT(S)

AND

M/s. Shekawati Traders, Rep. by its Proprietor, Vijay Mittal, S/o. Jugalkishore
Mittal,
R/o. Dwarakanagar, Adilabad.

.....RESPONDENT

Counsel for the Appellant:SMT.M.VINOBHA DEVI

Counsel for the Respondent: MR.PRATAP NARAYAN SANGHI

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

Respondents in the writ petition are appellants herein. Respondent herein filed Writ Petition No. 12611 of 2002 seeking direction against the appellants for setting aside the order dated 31.5.2001 and consequential direction against the appellants to revise and issue monthly bills from February, 2002 onwards under L.T. Scheme to the Service Connection No. 16380 and to adjust the excess amount received by the respondent Board in the future bills and continue to issue the bills under the L.T. Scheme in respect of the said Service Connection.

Learned single judge disposed of the writ petition after hearing the learned counsel for the respondent-writ petitioner and after taking note of the proceedings issued by the Chief General Manager, Commercial of the Board, dated 26.9.2002 that all the four units including the respondent are separate units and they can be treated as Industrial L.T. Category III-A services with immediate effect and directed that within one month, metering be provided on L.T. side for recording the units consumed. The Superintending Engineer, Operation, Adilabad was requested to take necessary action and report compliance.

In view of the proceedings dated 26.9.2002 issued by the Chief General Manager, Commercial, the writ petition was disposed of observing that the authorities have to issue revised bills in respect of the respondent's unit in the earlier category till that date treating it as III-A category Service. In case, respondent pays the amounts due, the authorities were under obligation to provide reconnection to the respondent.

Learned counsel for the appellants submits that only from the date of issuance of the proceedings dated 26.9.2002 the revised bills will have to be issued and not prior thereto. He further submits that prior to issuing of proceedings dated

26.9.2002, there was nothing wrong if the Board has clubbed the services into one single H.T. service.

We have gone through the record and considered the submissions of the learned counsel for the appellants. We are not in agreement with what is urged on behalf of the learned counsel for the appellants. In Proceedings dated 26.9.2002, what the respondent was submitting was taken to be true. As a matter of fact, respondent had questioned the proceedings dated 31.5.2001 by which, there was clubbing of services into single H.T. service. Pursuant to proceedings dated 31.5.2001, he immediately gave a detailed representation enclosing all necessary documents in support of his contention that all those units were different and independent establishments owned by different persons and thus invoking of Clause 26(7) of Terms and Conditions of Supply was illegal and arbitrary. Thereafter, the respondent filed writ Petition No. 12611 of 2002, impugned in this appeal.

It is that representation of the respondent which was enquired into, pursuant to which inspection was carried out by the Assistant Divisional Engineer on 28.8.2002 and basing on the report of the Asst. Divisional Engineer, Adilabad, the Chief General Manager, Commercial issued the proceedings dated 26.9.2002 observing that there was no valid reason to club all the services into single H.T. Service, instead of correcting the mistake from that date. It was also observed in the said proceedings that the units be treated as two separate category III-A services with immediate effect. The respondent had been agitating the question since then. The learned single judge relied upon the proceedings of the Chief General manager, Commercial dated 26.9.2002 and disposed of the writ petition directing the Board to issue separate revised bills.

With such an order, no interference is called for in this appeal. The writ appeal is accordingly dismissed. No costs.

DEVINDER GUPTA, CJ

Date: 2nd September, 2004

pnb

To

1. The Chief Engineer-cum-Managing Director, A.P. Transco, Vidyut Soudha,
Hyderabad.
2. The divisional Engineer, Operation Division, NPDC of A.P. Ltd., Adilabad.
3. Two C.D. copies